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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,662	06/23/2000	Allen B. Childress	5053-27800/EMB	2802

7590 10/24/2003

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EXAMINER

PARDO, THUY N

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 10/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

3

Office Action Summary

Application No.

09/603,662

Applicant(s)

CHILDRESS, ALLEN B.

Examiner

Thuy Pardo

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24,29-48,53-66 and 71-150 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☒ Claim(s) 16-24,44-48 and 63-66 is/are allowed.

- 6) ☒ Claim(s) 1-5,8,9,29-37,53-56,59,60 and 71-150 is/are rejected.

- 7) ☒ Claim(s) 6,7,10-15 and 38-43 is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's Amendment filed on July 31, 2003 in response to Examiner's Office Action has been reviewed. Claims 25-28, 49-52, and 67-70 have been canceled.

2. Claims 1-24, 29-48, 53-66, and 71-150 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 8, 9, 29-37, 53-56, 59, 60, and 71-150 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Pant et al.** (Hereinafter "Pant") U.S. Patent No. 6,012,053 in view of **Tarter et al.** (Hereinafter "Tarter") U.S. Patent No. 5,550,734.

As to claim 1, Pant teaches the invention substantially as claimed, the method comprising:

determining a word position of an occurrence of a term in a portion of a document, wherein the portion of the document comprises one or more words [location of a search term in the document, col. 6, lines 35-49, 66 to col. 7, lines 3; col. 11, lines 61-63].

determining a total word count of the portion of the document [total number of all words in the document, col. 11, lines 60-66; col. 7, lines 1-3]; and

determining a relevance value for the occurrence of the term in the portion of the document using the word position of the occurrence and the total word count of the portion of the document [calculate the ratio of the number of instances of a search term in a document to the total number of instances of all terms in the document is computed, col. 11, lines 60-63; col. 6 lines 66 to col. 7, lines 3].

However, Pant does not explicitly teach a help database in a computer-based insurance claims processing system although it has the same functionality of retrieving requested information from a computer retrieval system [see the title and the abstract of Pant]. Tarter teaches a help database in a computer-based insurance claims processing system [Help Desk Subsystem, col. 1, lines 30; fig. 17; col. 20, lines 14-44].

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add the features of Tarter to the system of Pant in order to offer clients assistance to process and reconcile claims and payments.

As to claim 2, Pant and Tarter teach the invention substantially as claimed. Pant further teaches that said determining the relevance value for the occurrence comprises dividing the word

position by the total word count to produce the relevance value for the occurrence [inherent in the system in order to calculate the ratio of the relevance value for the occurrence, see col. 6, lines 66 to col. 7, lines 3; col. 11, lines 60-63].

As to claim 3, Pant and Tarter teach the invention substantially as claimed. Pant further teaches multiplying the relevance value by a first scaling factor to produce a scaled relevance value [col. 11, lines 67 to col. 12, lines 4].

As to claim 4, Pant and Tarter teach the invention substantially as claimed. Pant further teaches rounding the relevance value to a number of significant digits [col. 11, lines 25-26; col. 12, lines 41-50].

As to claim 5, Pant and Tarter teach the invention substantially as claimed. Pant further teaches storing the determined relevance value for the occurrence in an entry in a table in the database [col. 7, lines 44 to col. 8, lines 10].

As to claim 8, Pant and Tarter teach the invention substantially as claimed. Pant further teaches that the portion of the document is a text section [see fig. 7].

As to claim 9, Pant and Tarter teach the invention substantially as claimed. Pant further teaches that the portion of the document is a header [”Bill Clinton”, 330 of fig. 7].

Claims 29-37 are corresponding apparatus claims of claims 1-5, 8, and 9; therefore, they are rejected under the same rationale.

As to claims 53-56, 59, and 60 are corresponding apparatus claims of claims 1-5, 8, and 9; therefore, they are rejected under the same rationale.

As to claims 71-150, all limitations of these claims have been addressed in the analysis above, and these claims are rejected on that basis.

Allowable Subject Matter

5. Claims 6, 7, 10-15, 38-43, 57, 58, 61, and 62 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 6, 58, numbering the one or more words in the portion of the document from N down to 1, wherein N is the total word count of the portion of the document; wherein said determining the word position of the occurrence comprises determining the word number of a first word of the term in the one or more words in the portion of the document; and wherein said determining the relevance value for the occurrence comprises dividing the word position by the total word count to produce the relevance value for the occurrence, taken together with other limitations of claim 1 is not disclosed by the prior art of record.

As to claims 7, 57, numbering the one or more words in the portion of the document from 1 up to N, wherein N is the total word count of the portion of the document; wherein said determining the word position of the occurrence comprises determining a word number of a first word of the term in the one or more words in the portion of the document, wherein the word number of the first word of the term is used as the word position of the occurrence; and wherein said determining the relevance value for the occurrence comprises subtracting the word position from the total word count to produce a first results; adding one to the first results to produce a second results; and dividing the second results by the total word count to produce the relevance value for the occurrence, taken together with other limitations of claim 1 is not disclosed by the prior art of record.

As to claims 10 and 38, determining the relevance value for the occurrence comprises dividing the word position by the total word count to produce a positional relevance value for the occurrence; dividing a number of words in the term by the total word count of the portion to produce a percentage relevance value for the occurrence; and combining the positional relevance value and the percentage relevance value to produce the relevance value for the occurrence, taken together with other limitations of claims 1 or 29 is not disclosed by the prior art of record.

Claims 11-15 and 39-43 being further limiting to claims 10 and 38 respectively are also objected to.

As to claim 61, said determining the relevance value for the occurrence comprises dividing the word position by the total word count to produce the relevance value for the occurrence; and

wherein, if the portion of the document is a header, said determining the relevance value for the occurrence comprises dividing the word position by the total word count to produce a positional relevance value for the occurrence; dividing a number of words in the term by the total word count of the portion to produce a percentage relevance value for the occurrence; and combining the positional relevance value and the percentage relevance value to produce the relevance value for the occurrence, taken together with other limitations of claim 53 is not disclosed by the prior art of record.

Claim 62 being further limiting to claim 61 is also objected to.

6. Claims 16-24, 44-48, and 63-66 are allowed over the prior art of record.

The prior art of record fails to teach or suggest individually or in combination the limitations that said determining the relevance value for the occurrence comprises dividing the word position by the total word count to produce the relevance value for the occurrence; and wherein, if the portion of the document is a header, said determining the relevance value for the occurrence comprises dividing the word position by the total word count to produce a positional relevance value for the occurrence; dividing a number of words in the term by the total word count of the portion to produce a percentage relevance value for the occurrence; and combining the positional relevance value and the percentage relevance value to produce the relevance value for the occurrence as set forth in independent claims 16, 44, and 63.

Dependent claims 17-24, 45-48, and 64-66 being further limiting to the independent claims 16, 44, and 63, definite and enable by the Specification are also allowed.

Response to Arguments

7. (A) Applicant argues that Pant does not teach determining a relevance factor for the occurrence of a term based on the combination of the attributes of word position of the occurrence and the total word count of the portion of the document.

As to point (A), Examiner respectfully disagrees. Examiner believes that this feature was also taught by Pant. Pant teaches calculating the ratio of the number of instances of a search term in a document based on the position of search terms in the document and the total number of instances of all terms in the document [see col. 11, lines 60-63; col. 6 lines 66 to col. 7, lines 3].

Applicant argues that the prior art does not teach the feature “a help database in a computer-based insurance claims processing system”.

Examiner respectfully disagrees. Tarter teaches a help desk subsystem which offer clients assistance to process and reconcile claims and payments [see col. 1, lines 30; fig. 17; col. 20, lines 14-44]. Furthermore, the recitation above has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

8. Applicant's arguments filed July 03, 2003 have been fully considered but they are not persuasive.

9. Further references of interest are cited on Form PTO-892 which is an attachment to this office action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo, whose telephone number is (703) 305-1091. The examiner can normally be reached Monday through Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

The fax phone number for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 (After Final Communication)

(703) 746-7239 (Official Communication)

(703) 746-7240 (For Status inquiries, draft communication)

and/or:

(703) 746-5616 (*Use this Fax#, only after approval by Examiner, for "INFORMAL" or "Draft" communication. Examiner may request that a formal/amendment be faxed directly to then on occasions*).

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

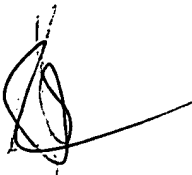
Washington, D.C. 20231

or faxed to: (703) 308-9051, (for formal communications intended for entry)

Or: (703) 308-5359, (for informal or draft communications, please
label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington.

VA., Sixth Floor (Receptionist).



Thuy Pardo
October 17, 2003